

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CLIFFORD IDRIS BELL,

Petitioner,

Case No. 2:24-cv-12306  
Hon. Sean F. Cox

v.

ERIC RARDIN,

Respondent.

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**OPINION AND ORDER SUMMARILY DISMISSING PETITION FOR  
WRIT OF HABEAS CORPUS**

In this habeas case filed under 28 U.S.C. §2241, FCI Milan inmate Clifford Idris Bell challenges the validity of his United States District Court for the Western District of Michigan conviction.

I

In 2020, Petitioner pled guilty in the Western District of Michigan to felon in possession of a firearm. *See United States v. Bell*, W.D. Mich. No. 1:19-cr-000262, ECF No. 48.

Petitioner filed a direct appeal, asserting that his Fourth Amendment rights were violated. The Sixth Circuit rejected the argument and affirmed. *United States v. Bell*, 2022 U.S. App. LEXIS 536 (6th Cir. Jan. 6, 2022).

Petitioner then filed a motion to vacate under 28 U.S.C. § 2255, asserting that he was denied the effective assistance of counsel. The motion was denied by order

dated June 25, 2024. *See* W.D. Mich. No. 19-262, ECF No. 70. Petitioner filed a notice of appeal, and that appeal remains pending in the Sixth Circuit. *Id.*, ECF No. 73.

The present § 2241 petition raises Petitioner’s rejected Fourth Amendment and ineffective assistance of counsel claims.

## II

Petitioner’s claims are not cognizable under Section 2241. Ordinarily, “[a] federal prisoner must challenge the legality of his detention by motion under 28 U.S.C. § 2255,” not in a Section 2241 petition. *Wooten v. Cauley*, 677 F.3d 303, 306 (6th Cir. 2012). A limited exception to this rule is found in the “savings clause” of Section 2255(e). The savings clause of Section 2255(e) allows a federal prisoner to challenge the lawfulness of his conviction or sentence under Section 2241 only if “the remedy [under § 2255] is inadequate or ineffective to test the legality of his detention.” 28 U.S.C. § 2255(e). “It is the petitioner’s burden to establish that his remedy under § 2255 is inadequate or ineffective,” *Charles v. Chandler*, 180 F.3d 753, 756 (1999), and the circumstances under which that burden may be met “are narrow.” *United States v. Peterman*, 249 F.3d 458, 461 (6th Cir. 2001). As the Supreme Court recently explained, the savings clause cannot be used as “end run” around the procedural limitations placed on post-conviction review by Section 2255. *Jones v. Hendrix*, 599 U.S. 465, 143 S.Ct. 1857, 1868, 216 L. Ed. 2d 471 (2023).

Instead, the savings clause applies only where “unusual circumstances make it impossible or impracticable to seek relief in the sentencing court.” *Id.* at 1866.

The narrow or unusual circumstances that could allow Petitioner to proceed under Section 2241 do not exist here. The Court found in *Jones* that the savings clause applies only where “unusual circumstances make it impossible or impracticable to seek relief in the sentencing court.” *Id.*, 143 S. Ct. at 1866; *Garner v. Gilley*, No. 23-5114, 2023 U.S. App. LEXIS 22246, \*4 (6th Cir. Aug. 23, 2023). An example of the type of circumstance contemplated is if the sentencing court ceased to exist. *Jones*, 143 S. Ct. at 1866 (“a motion in a court that no longer exists is obviously ‘inadequate or ineffective’ for any purpose”) (citing *Witham v. United States*, 355 F. 3d 501, 504-505 (6th Cir. 2004)). Here, Petitioner has already unsuccessfully sought § 2255 relief, But in *Jones*, the Court bluntly stated that the inability of a prisoner to satisfy the requirements of § 2255(h) for filing a successive § 2255 motion “does not mean that he can bring his claim in a habeas petition under the saving clause. It means that he cannot bring it at all.” *Jones*, 143 S. Ct. at 1869.

The Court therefore lacks jurisdiction to adjudicate Petitioner’s petition. *See Taylor v. Owens*, 990 F.3d 493, 499-500 (6th Cir. 2021) (concluding that habeas petitioner had failed to show that “a section 2255 motion [was] inadequate or ineffective to challenge his sentence” and therefore directing district court to dismiss Section 2241 petition for lack of subject-matter jurisdiction).

III

For these reasons, the Court **SUMMARILY DISMISSES** the petition. *See* 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Habeas Corpus Cases.

The Court further certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision cannot be taken in good faith. Petitioner is therefore **DENIED** permission to appeal this decision in forma pauperis.

Finally, the Court notes that a certificate of appealability is not needed to appeal the denial of a habeas petition filed under §2241. *See Witham v. United States*, 355 F.3d 501, 504 (6th Cir. 2004).

Dated: September 16, 2024

s/Sean F. Cox

Sean F. Cox

U. S. District Judge